THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12899 OF 2006

DATED: 21st SEPTEMBER, 2006.

Between :

Mukthi Trinadha Rao .. Petitioner

And

1. The Additional Agent to Government and
   Project Officer, ITDA, Paderu, Visakhapatnam
   District, and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.12899 OF 2006

ORDER :

This writ petition is filed aggrieved by the order of the 1st respondent – Additional Agent to the Government and Project Officer, ITDA, Paderu dated 9-6-2006 which was passed in exercise of the powers conferred under Section 3 (1) (a) of The Andhra Pradesh Scheduled Areas Land Transfer Regulation 1 of 1959 (for short, 'the Regulation 1 of 1959') directing ejection of the petitioner from the land in question.

Though various grounds have been raised by the petitioner, the learned Government Pleader appearing for the respondents at the outset submitted that against the order impugned an alternative remedy of appeal is available under Section 3 (3) (a) of the Regulation 1 of 1959 and therefore the petitioner cannot straightaway invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

Sub-section (3) (a) of Section 3 of the Regulation 1 of 1959 provides for an appeal against any decree or order under sub-section (2) of Section 3 of Regulation 1 of 1959 and where such order was passed by the Agent, the appeal lies to the State Government. In the circumstances, the petitioner ought to have availed remedy of appeal against the order of the 1st respondent. Without exhausting such efficacious alternative remedy of appeal, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to work

out the remedy of appeal, the Writ Petition is disposed of. However, having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the possession of the petitioner on the basis of the order impugned for a period of four weeks from today.

Writ Petition is accordingly disposed of. No order as to costs.

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G.ROHINI, J.

Dt. 21-9-2006

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Note:- CC in 3 days.